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September 30, 1998

Lou Castro
Office of Program Operations
Legal Services Corporation
750 First St., NE., 10th Floor
Washington, D.C. 20002-4250

RE: State Planning Report

Dear Lou Castro,

Enclosed please find three copies of the Connecticut State Planning Report.

Very truly yours,

Norman K. Janes

Statewide Legal Services
Recipient # 107000

REPORT TO THE LEGAL SERVICES CORPORATION ON COORDINATED LEGAL
SERVICES NETWORK IN THE STATE OF CONNECTICUT

SEPTEMBER 1998

Introduction

The most recent intentional planning process examining a coordinated legal services delivery system in Connecticut took place in 1995. In response to the changes in LSC funding and restrictions on client services, there was a major re-structuring of the system of providing legal services to the poor in Connecticut. The planning process was initiated and organized by the then four LSC funded legal services providers (Connecticut Legal Services, Inc. (CLS), New Haven Legal Assistance Association, Inc. (NHLAA), Legal Aid Society of Hartford, Inc. and Neighborhood Legal Services, Inc. (NLS), and the Legal Assistance Resource Center of Connecticut, Inc. (LARCC)) but involved a wide range of other interested individuals and organizations. Among those participating were the Connecticut Bar Association, the Connecticut Bar Foundation, the State's three law schools and their clinics, special interest legal services providers, the major funding sources, and officials of several State and local government agencies.

The result of this planning process was an intentionally created system that divides functional and regional responsibility among five separate corporations. SLS provides telephone intake, analysis, advice, brief service, and referral for poor people with civil legal problems from across the state. The majority of clients coming into the network come through SLS. LARCC provides legislative and administrative policy advocacy services for clients of the three regional programs, acts as publisher of client oriented informational and self-help pamphlets, and coordinates training for staff of the Core programs. The other three organizations, CLS, NHLAA, and Greater Hartford Legal Assistance,¹ (GHLA), provide a broad range of legal representation to poor people within their respective geographic service areas. Each of these organizations is a separate corporate entity, governed by independent Boards of Directors. Each has its own mission, service priorities, and funding sources. As is explained below, much of the working relationship among the programs varies by need and circumstances and therefore is not formally negotiated, but contracts do help define some of the relationships: LARCC enters into annual fee for service contracts with the other programs to define its services and costs; CLS acts as the prime contractor with several funding sources and enters into subcontracts with other regional providers; SLS contracts out part of the time of its Computer Specialist to two of the regional programs.

In spite of these few formal ties, these programs function as an intentional network. Each fully understands the function and geographic regions served by the others and there is little duplication of effort. What duplication that does exist is client oriented. The best example involves client intake. Although SLS is designed as the primary intake site, the regional programs do some direct intake as a part of staff outreach; for example, for walk-in clients with emergencies, and for clients for whom telephone services might be a barrier. Legitimate regional identity and functional specialization justify any duplication of administrative tasks.

Planning, Coordination, Evaluation and Oversight within the Core Network

In order to understand the nature of planning and coordination conducted in Connecticut since 1995, it is necessary to further describe the nature of the legal services network in Connecticut. Essentially, there are three separate components. There is a Core group of providers which includes those organizations whose principal purpose is to provide a broad spectrum of legal services to poor people. Included in this group are the three organizations that provide legal services on a regional basis: CLS, NHLAA, and GHLA, and the two functionally based organizations: SLS which provides telephone intake, brief service and referral and LARCC which provides policy advice representation for clients and support services to this core group of providers. There is a group of Specialty providers whose work sometimes intersects with that of the Core group, but do not define serving the civil legal needs of the poor as their principal mission. Among this group are Clinics at the State's three law schools, Connecticut Legal Rights Project, Center for Medicare Advocacy, Children's Law Center, Center for Children's Advocacy, Inmates Legal Assistance Program, Legal Center for Connecticut Non-Profits, Connecticut Women's Education and Legal Fund, Connecticut Civil Liberties Union, the International Institute, and the Office of the Chief Public Defender. There are also a group of Supporters that are actively involved in the delivery of legal services to the poor. Included in this category are the Connecticut Bar Association and individual attorneys, the Connecticut Bar Foundation, other advocacy organizations, and a wide range of funding sources.

Since the major re-structuring in 1995 the planning, coordination, and oversight of the delivery of legal services to the poor has continued, but has been less structured and formalized. These activities are carried out primarily within the Core. Ongoing planning and coordination operates at several levels. The most important tool is the bi-weekly meeting of the project directors of the five programs. A variety of issues are regularly discussed. For instance, since the work of SLS intersects that of the regional programs on a daily basis there is frequent discussion about the SLS/regional program relationship which thus promotes constant evaluation of how things are working and ideas for modifications. The regional programs have engaged in a number of joint grant applications and fundraising projects and so such topics are frequently on the agenda. Discussions and planning about relationships with the private bar, judiciary and general public have taken place at these meetings. Technology and communications are another frequent topic of conversation. The project directors collectively take responsibility for public policy issues that affect the delivery of legal services, such as responding to the recent Supreme Court decision on the IOLTA program. Finally, these regular meetings provide a vehicle for support and encouragement of the project directors as they labor to provide leadership in their respective programs.

Although the project directors do discuss substantive issues that concern the poor, most of the planning and coordination of our collective legal work is done by "Task Forces" made up of staff from the various programs involved in the work on a day to day basis. Five separate Task Forces convene on a regular (usually monthly) basis to share information on new developments, report on the status of advocacy projects, devise and evaluate strategies for dealing with common client problems, and jointly plan advocacy projects to benefit clients. Formal training presentations and informal sharing provide professional development of those who attend. Each program decides which staff will attend these meetings but participation is broadly encouraged. Participation from staff of Specialty programs outside the Core network is

not regular, but on an ad hoc basis does occur frequently.

There is no regular locus for meeting or communication at the Board of Directors level within the Core network. However, Board members do consult with one another and have jointly worked on projects together. The more structured projects have involved joint grant or fundraising and coordination of advocacy on behalf of the programs in the State Legislature and Congress.

The coordination, cooperation and collaboration among the various legal services providers in Connecticut is undertaken in a manner that is in full compliance with 45 CFR 1610.

Communication between the Core programs and Specialty providers is less structured but still frequent. SLS staff have regular contact with staff of these organizations, seeking advice and information for particular clients and making referrals. Each of the law school clinics has established relationships with the Core programs that serve their regions. Staff from these Specialty programs often work closely with staff of the Core programs on specific advocacy projects. Thus, while the planning which involves Core and Specialty projects is limited, there is a good deal of communication and coordination of activities on an ongoing basis.

Of the Supporters of legal services for the poor, the most actively involved are the Connecticut Bar Association (CBA) and the Connecticut Bar Foundation (CBF). The CBA's Pro Bono Committee hears regular reports and is actively involved in wider issues affecting the delivery of legal services to the poor, although its main focus is on promoting and assisting attorneys in private practice to participate in the delivery of legal services to the poor. The Chair of the Pro Bono Committee is the Vice-President of the Association, so there is a direct link between the legal services community and the leadership of the Bar. Representatives of the Core programs have also made periodic reports to both the House of Delegates and Board of Governors of the Association.

As the largest single provider of funding for legal services for the poor in Connecticut, the CBF plays an active role in planning, coordination and evaluation. The CBF engages in supportive and cooperative activities that go well beyond its responsibility to good stewardship of its funds. The CBF Fellows sponsored a colloquium on "The Survival of Legal Services for the Poor in Connecticut" in March 1996 to engage the bar, political leaders and the general public in thinking about how to continue to meet the civil legal needs of the State's poor. More recently the CBF has formed a Task Force to consider options for dealing with a potential negative Supreme Court decision in the Phillips case.

Planning, Coordination, Evaluation and Oversight between the Core Network and Specialty Providers

As noted in the introduction, there is communication between the Core network and the Specialty programs, but it does not rise to the level of cooperation and coordination that occurs within the Core network. Consultation within the Core network in preparation for this report has led to the conclusion that better communication in the broader network is both possible and

desirable and that some greater coordination and collaboration is also a worthy goal. Consequently, the Core programs, with SLS taking the lead, will plan to convene a meeting with as many of the Specialty providers as are willing to attend. The main goal of the meeting will be to foster greater understanding of the mission of each organization, the particular clients it seeks to serve, the scope of services provided, and how and to what degree it would like to interact with other organizations in attendance. The early plans for this meeting contemplate attendees completing a questionnaire from which a directory of services can be produced. Depending on the interest of the attendees, there are a number of other objectives which might be achieved:

- * making greater use of SLS as an intake source for programs outside the Core network;
- * developing more frequent and regular communication within the wider network;
- * future sharing on technology issues, especially communication technology;
- * developing procedures to insure greater coordination on policy advocacy initiatives;
- * cooperative efforts to promote the interests of pro se litigants in Court.

Organizations to be invited to this gathering will be those who participated in the 1995 planning process (see Introduction). Given the diversity of the programs included, it is highly unlikely that we would be able to establish the kind of closely cooperating relationship that exists within the Core network now.

1. Intake, Advice, and Referral

When the current configuration of the Core legal services network was being developed by the planning process in 1995, creating a coordinated, effective intake, advice and referral system was a key goal. The majority of client intake for the Core programs is done by SLS. SLS is available to clients statewide via either an 800 toll free number or within a local calling area. SLS has twelve telephone lines open for client calls from 9:00 a.m. to 3:00 p.m. daily. SLS employs 8 screeners and 19 advocates to serve clients. Staff are available to speak to clients in English or Spanish. Screeners are the first to talk to callers, and gather the required demographic and financial information necessary to determine eligibility. All data is entered directly into the computerized data base and stored electronically. Screeners "screen out" callers who are over income, do not have a civil legal problem, or otherwise are not appropriate for services. Once the intake is completed, the screeners return the calls to the phone system into a queue for the next available advocate in either the Housing, Family or Benefits/Consumer Unit. Advocates evaluate the client's legal problem and either provide advice and counseling, provide instruction on how clients can represent themselves in the matter, accept the case for some brief service, or refer it on to one of the regional legal service providers in the network or to the SLS Pro Bono staff for referral to a volunteer attorney. All clients get a confirming letter and most also receive material from the extensive library of client education and self-help pamphlets. More than 80% of the cases are closed on the same day that the client called. Each case file is reviewed before the end of the day by an experienced attorney (usually the Managing Attorney of the Unit).

Each of the Core programs has agreed to accept clients referred by SLS and has given explicit instructions about their program priorities. Experience has shown that there needs to be

constant communication and frequent adjustments in case referral criteria in order to be responsive to shifting client needs and program capacities. Protocols have been established to sort out problems that occur over specific client referrals. Each day case files are faxed directly from the SLS database to the regional programs and, since SLS and the regional program all use the same client database program, those files are electronically merged on a weekly basis. Systems have also been put in place to verify that referrals made from SLS are received by the regional program.

Each of the regional programs has procedures to do some direct client intake to supplement that done by SLS. Intake is done in conjunction with outreach activities, for clients with emergency cases, and for clients for whom the telephone is a barrier to service.

Discussion about the intake/referral system is a regular agenda topic at both Project Director and substantive Task Force meetings. In addition, more formal evaluations have taken place. SLS has periodically sent a satisfaction questionnaire to former clients (with very positive results) and has conducted three studies of the effectiveness of its pro se advice. (The results of the 1997 study has been provided to LSC; two additional studies are currently being completed). Two of the regional programs conducted their own limited studies of client satisfaction with the intake system.

There are a wide range of services available in Connecticut for "Special population clients". Within the Core programs there are projects to provide special help to the elderly, children, people with AIDS, Medicare recipients, and certain clients of the State Department of Mental Retardation. Other client groups served by the Specialty Programs include the mentally ill, people with disabilities, prisoners, children, and Medicare recipients, and non-profit organizations serving the poor. SLS staff are aware of each of the Specialty programs and make referrals to them whenever appropriate. There are no formal referral mechanisms or procedures between SLS and these Specialty Programs as there is with programs in the Core group. Instead, clients are given information about these programs and how to contact them.

Thus we believe that intake, advice and referral systems are coordinated and skilled personnel provide prompt responsive intake, advice, and referral; the Core programs have taken collective action to overcome barriers to client access to legal services; and, special population clients are able to gain access to legal services throughout the state.

2. Technology

The current technological capacity of the Core programs is quite varied. The vagaries (and inadequacy) of funding have meant that program's computer capacities have grown in an ad hoc (or perhaps more accurately, in an as possible) fashion. Each of the programs has long had a general vision of what was possible and their Project Directors have shared those visions with one another. The programs thus have been trying to move in a common direction.

Each of the programs has had at least minimally adequate computer capacity for some years. Each advocate has a desktop computer, and electronic legal resources are available, as is

internet and/or e-mail capacity.

Having a Computer Specialist being shared by three of the Core programs, and available for limited consultation with the others, has enhanced communication and planning about technology. As advances in technology have been made in recent years, there has been some consistency and compatibility. The most significant cooperative venture was the decision in 1996 to use Wamsutta Software's Cases as a common client database.

In anticipation of increased IOLTA funding, the Core programs collectively hired a consultant to develop a plan to be the basis for a request for a special grant for technology improvements. The plan, and the funding which has been approved for the Core programs receiving IOLTA funds, will result in a coherent and sophisticated level of technology within the Core network. Each advocate will be provided with a desktop computer with sufficient processor speed and memory to handle modern software; each office will have an updated network; e-mail and internet access will be readily available at each desktop; and, more sophisticated and accessible legal research tools will be available. The Plan also includes the development of a common Web site to be used to facilitate communication and sharing of legal resources within the Core network and to be a resource for the wider network, the community of social service providers serving the poor and to clients themselves. Finally, the plan clearly spells out the importance of staff training and the capacity for on-going support.

Thus, once the plan is implemented, the advocates in the Core programs have the necessary technological capacity, including access to legal information and expertise, and materials will be available on the Web for use by low income persons, social service providers and the bar.

3. Access to Courts, Self-help and Preventive Education

There is a long history in Connecticut of collaboration to provide information and education to poor people and the social services network which serves them. One of the key support functions of LARCC is to publish client education and self-help materials. LARCC staff acts as facilitators, editors and publishers. LARCC staff work with the various Task Forces to identify appropriate pamphlet topics and coordinate the work of advocates who draft the text of pamphlets. Drafts are reviewed by other advocates, edited by LARCC staff, and finally produced in final form for printing. Each program purchases enough copies for distribution to clients and social services agencies in its region. Most, but not all, pamphlets are produced in both English and Spanish.

Most outreach to social service organizations is arranged and conducted by individual programs. Having working relationships between legal services staff and staff of these organizations is a very effective way of insuring that clients will be referred to legal services at the right time. Similarly, in order to build visibility within the community, it is important for legal services staff to do educational presentations to client groups within their respective service regions. Since the pamphlets produced by LARCC are often used as part of client education or outreach presentations, there is continuity in the messages that are presented.

Even though there is a local focus to outreach, there is coordination of these activities. The statewide task forces will often identify emerging issues about which clients and other providers ought to be informed and educated. Client information and education campaigns and new pamphlets or more simple flyers are developed by the Task Force for use statewide when such issues emerge. Because recent changes in public benefits law have been so profound and so important to clients, a statewide working group has been convened and meets on a regular basis just to coordinate and oversee outreach and client education efforts about this issue.

Connecticut's legal services network also has a long history of supporting pro se advocacy. Among the first client pamphlets produced by LARCC were those designed to help clients to represent themselves. These materials supplement advice and counsel provided by staff advocates. For years NHLAA has successfully operated a divorce class for clients representing themselves. Walk-in "Form Clinics" for clients needing assistance completing family law paperwork are regularly scheduled at all offices of the Core programs and some are staffed by volunteer pro bono attorneys. Legal services staff have worked cooperatively with court personnel in designing forms that are easy to use and in drafting pamphlets and materials to assist pro se litigants in court.

Assisting clients to represent themselves has been an increasing part of the work of SLS. We are developing and honing techniques to identify which clients are likely to be able to represent themselves and for effectively providing clients with the information and support they need, both in initial stages of a case and as it proceeds. SLS did an initial study of the effectiveness of our pro se advice in 1997 and two additional studies this summer. The recent studies are not yet complete, but preliminary results confirm the findings in the first study: legal services clients are capable of successfully representing themselves, appreciate the experience, and have been helped in the process by SLS.

The State of Connecticut Judicial Department has begun to take steps to respond to the increasing number of pro se litigants in its courts. Staff from the legal services community are involved in some of their initiatives and in regular contact with Department officials responsible for this issue. Thus, we have an avenue to help make courts more friendly to our clients.

Thus we believe that: community education materials, information, and instruction are prepared and maintained in a coordinated manner and made readily available throughout the state; pro se projects are developed collaboratively and structured to provide effective assistance to the low-income community; and state based efforts are undertaken with other stakeholders to promote access to justice in the State.

4. Coordination of Legal Work, Training, Information and Expert Assistance

The Core legal services network has a long history of collaborating on the planning for and presentation of training and staff development. From the very earliest days, one of the important functions of the state-wide back up centers has been to coordinate staff training. Historically, training organized by LARCC and its predecessors has been primarily (although not exclusively) skills based training. The traditional structure has been for LARCC staff to work

with a Training Committee consisting of representatives of each of the Core programs to assess training needs, develop training plans and coordinate specific training events. The breadth, sophistication, and frequency of training has been largely dependent upon the allocation and availability of resources for this function. Trainers range from experts outside the network, volunteer pro bono attorneys and experienced staff of the programs.

Orientation and training of new staff has generally been organized by each program as the need arises. However, at least once in recent memory when there was a general increase in staff of sufficient size, a coordinated orientation and training program was presented.

Most of the advocates in Connecticut programs specialize in one or two areas of poverty law and most of them regularly participate in a Task Force or other substantively organized group. As a result, the bulk of training in substantive law has been organized and presented by these Task Forces. Initiating training is one of the many ways in which Task Forces are the central focus of the coordination of the legal work done by the Core programs in Connecticut. The Task Forces also assign responsibility to individuals to monitor, evaluate, and report on significant developments in the law that affect poor people; provide a forum to share information on trends and issues that arise from regular casework; provide a forum to plan and coordinate major advocacy projects; and, provide a forum for advocates to share experiences, tips, and success stories. The Core group's Technology Plan provides for the use of communications technology to improve the effectiveness and efficiency of these training and coordination activities.

Thus we believe that advocates have access to adequate and appropriate training and opportunities for professional development and that legal work is coordinated and information is shared.

5. Private Attorney Involvement

With active support and encouragement from the Core programs in Connecticut, the CBA has taken the lead in recruiting, training, communicating with, and recognizing pro bono attorneys. Their Pro Bono Committee, which is the primary forum for their efforts, is chaired by the Association's Vice President, so there is an active link with the rest of the leadership. Membership on the Committee, which meets monthly, covers the spectrum from legal services staff, attorneys from the state's largest firms, solo practitioners, Judges, and representatives from several paralegal associations. The Committee actively monitors the recruitment of new volunteers, the success of the several pro bono projects it has endorsed, recognizes lawyers who volunteer their time, monitors other issues affecting access to the legal system by the State's poor, and promotes issues of interest to the legal services network and poor people within the Bar.

Under the general supervision of the Pro Bono Committee, employees of the Bar Association (supported in part by a fee-for-service contract with SLS) do the staff work to recruit new

volunteers, organize and coordinate regular training events for participating attorneys, and publish a regular newsletter for volunteers.

The Bar Association support for pro bono services to the poor goes beyond the Pro Bono Committee. Pro bono activities and other matters involving the legal interest of the poor are regularly included in articles in the monthly Association magazine. The CBA as a whole demonstrates its support and encouragement of pro bono work by having volunteers prominently identified on their name badges at the annual and mid-year meetings, publishing an annual list of all those who volunteered, and presenting Pro Bono awards at the Bench-Bar luncheon at each annual meeting.

One of the long standing struggles in Connecticut and elsewhere has been to match the needs of poor clients with the skills and interest of attorneys willing to volunteer their time. There is an overwhelming number of clients in need of representation in Court on family related matters, and too few volunteer lawyers who have sufficient experience to provide this representation. Training is one obvious way to reduce the gap, and formal presentations, organized by the CBA Pro Bono Committee, are held on a regular basis. The Family Law Section of the CBA has also organized a Mentor program to provide more experience litigates to assist those with less experience.

The Pro Bono Committee has continued to explore ways to make use of the talents of lawyers who are unable or unwilling to take on an individual family case and there is some progress to report. SLS has increased the number of housing, bankruptcy and consumer cases it refers. The CBA recognizes the transactional work done for poor people and poor people's organizations by lawyers who volunteer through The Connecticut Legal Center for Non-Profits. They also recognize the work done by lawyers who accept pro bono appointments by the State's Probate Courts and Federal Bankruptcy Courts in Connecticut.

One of the most recent initiatives to involve non-litigators in pro bono work is to use private attorneys to staff the walk-in "Form Clinics" held at legal services offices in the State. Clients of the Core programs who have received initial instruction and have been given the written pro se materials are referred to the clinics. The function of the clinics is currently limited to assisting clients to complete forms, so even attorneys with no litigation experience can provide the necessary help with minimal training and support. Since the clinics are held at legal services offices, trained staff are available if a need for more sophisticated assistance arises.

The next challenge for the CBA Pro Bono Committee and the Core legal services programs will be to make the leap to advanced communication technology to increase the efficiency of pro bono work. The implementation of the Technology Plan described in Section 2 will be an important catalyst for technological improvements in the pro bono efforts in Connecticut. A coordinated Web site will improve communication and information dissemination among those interested in pro bono work and might well be a vehicle for training and matching volunteer lawyers with clients in need.

Thus, we conclude that participation and recruitment of private attorneys is considered

from a statewide perspective, training supports private bar involvement efforts and activities support the recruitment and retention of volunteer attorneys.

6. Resource Development

The Connecticut network of civil legal services programs can claim a high degree of success in resource development. Funding per poor person in Connecticut is among the highest in the nation. We would claim that the long history of cooperative fundraising efforts is at least partially responsible. From the earliest years explicit understandings have guided Core program fundraising strategies. Joint proposals and projects are developed for State funds or in response to RFP's seeking statewide service. No program solicits funds from sources that are clearly intended for another program's region or special function. Joint proposals are favored over single program projects if the result will be more effective client service. More recently, the Executive Directors and members of the Boards of Directors of those Core programs that have Private Attorney and other individual donor campaigns have begun to explore ways to collaborate on and perhaps eventually combine these efforts.

There have been considerable efforts by the Core programs to work together on planning a common approach to protect and expand the primary funding sources: IOLTA and State funds. Strategic planning involves responding to specific threats to any of these major funding sources and more pro active projects designed to increase general public awareness of the need for civil legal services. Depending on the project, Specialty programs and Supporters have been either active participants or informed about the projects.

Interestingly, the recent Supreme Court decision concerning the IOLTA program poses both a threat and an opportunity. The Core programs and some Supporters have already begun discussions on a campaign that would use that case as the catalyst for building public support for a new alternative source of financing legal services for the poor. A CBF organized Task Force has been convened to consider, among other things, alternatives to the current IOLTA program.

Thus, we believe that coordinated statewide efforts, involving all key stakeholders, are undertaken to preserve, build and create new resources that assist all programs.

7. System Configuration

Pursuant to Footnote 1 on page 2 of Instructions for State Planning Reports which accompanied Program Letter 98-6, SLS will not respond to this question.

1 The poor funding climate for legal services in the mid-90's left one of the two programs serving the Hartford area with minimal staffing. After the decision to forgo LSC funds, the Board of NLS decided that they could no longer operate a successful program and voted to cease

operations. The remaining funding sources agreed to transfer their grants and contracts to LASH so that client services could continue. To reflect its broader mission, LASH changed its name to Greater Hartford Legal Assistance, Inc. (GH LA).